

Attorney's Docket No.: 74451.P084X

<u>PATENT</u>

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name

is attached hereto. XX	
is attached hereto. XX was filed on September 26, 1997 United States Application Number 08/938,137 or PCT International Application Number and was amended on (if applicable) I hereby state that I have reviewed and understand the contents of the above-identifies specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to pate as defined in Title 37, Code of Federal Regulations, Section 1.56. I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed and have also identified below any foreign application for patent or inventor's certifihaving a filing date before that of the application on which priority is claimed: Prior Foreign Application(s) (Number) (Country) (Day/Month/Year Filed) Yes (Number)	
Was filed on September 26, 1997 United States Application Number 08/938,137 or PCT International Application Number	
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I hereby state that I have reviewed and understand the contents of the above-identifies specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to pate as defined in Title 37, Code of Federal Regulations, Section 1.56. I hereby claim foreign priority benefits under Title 35, United States Code, Section 1.19(a)-(d), of any foreign application(s) for patent or inventor's certificate listed and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: Priority Claimed (Number) (Country) (Day/Month/Year Filed) Yes I	
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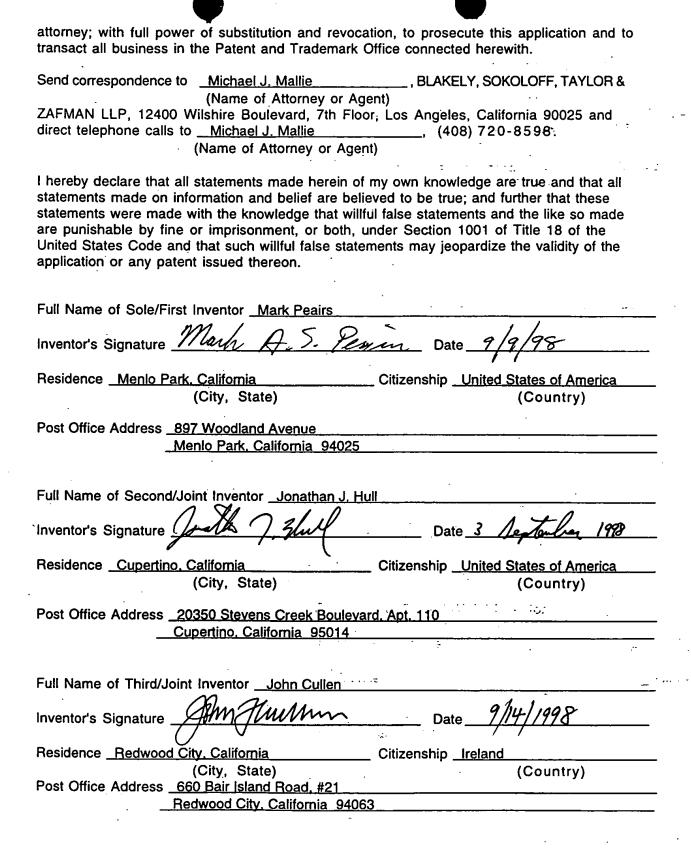
I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

(Application Number)	Filing Date		
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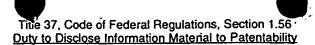
I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

08/754,721	4/21/97	<u>Pending</u>
(Application Number)	Filing Date	(Status patented, pending, abandoned)
(Application Number)	Filing Date	(Status patented, pending, abandoned)

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- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.